

REMARKS

Claims 14-28 are pending in the present application. Claims 35-36 are new, leaving claims 14-28 and 35-36 for consideration upon entry of this response. No new matter has been introduced in this response as full antecedent support may be found in, at least, the originally filed specification at paragraph [0025] and previously considered claims 16 and 23.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Entry of New Claims After Final

It is respectfully submitted that entry of claims 35 and 36 After Final does not necessitate further consideration and/or search as claims 16 and 23 contain portions of similar subject matter and have been previously considered by the Examiner.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 14-28 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants respectfully traverse this rejection.

No new matter is introduced by this amendment, since the application as a whole and the Figures in particular teach this embodiment. As indicated in the response filed March 25, 2011, the amendments filed therewith are fully supported by FIG. 1 (see strip of adhesive 18 only on periphery of coil spring insert) and the associated description at paragraph [0031] (see publication of application, where spray adhesive bonds only to periphery of coil spring unit). The innercore, e.g., mattress core 40 in FIG. 4, is lowered into the cavity and sits against adhesive strip 18. Therefore, claims 14-28 have such full and clear support in the originally filed specification as to reasonably convey to one of ordinary skill in the art that the inventors, at the time this application was filed, had possession of the claimed invention.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 14-27 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Pub. No. 5,065,485 to Zocco, hereinafter ‘Zocco’. Applicants respectfully traverse this rejection.

Claim 14 is generally directed to a mattress including an innercore that is disposed within a cavity defined by a bottom panel top surface and a perimeter sidewall interior surface. An adhesive strip (e.g., glue sprayed in a strip-like shape or fashion) is disposed on the bottom panel top surface in a region proximate to the perimeter sidewall interior surface. The innercore bottom surface and the bottom panel top surface are attached only along the adhesive strip. A remaining portion of the innercore bottom surface is unattached to the bottom panel top surface. Independent claim 16 is directed to somewhat similar subject matter as claim 14.

Zocco is generally directed to assembly of an innerspring mattress (see Title, Abstract). Zocco discloses the formation of foam frame 1 between top and bottom layers 11 and 10, and the attachment of filling material 3 to a bottom panel 10 through the use of glue (col. 4, ll. 17-28). Zocco is entirely silent as to any glue or adhesive attachment between the coil unit 5 and the remaining components of the mattress.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, or knowledge generally available in the art at the time of the invention, must provide some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

However, as stated above, Zocco fails to disclose or reasonably suggest, *inter alia*, “wherein the innercore is disposed on the strip of adhesive disposed on the portion of the top surface of the bottom panel, such that the bottom surface of the innercore and the top surface of the bottom panel are attached only along the strip of adhesive, and a remaining portion of the bottom surface of the innercore is unattached to the top surface of the bottom panel” as

recited in claim 14.

For example, Zocco fails to teach or suggest an adhesive strip (or strip of glue for that matter) disposed on a portion of the bottom panel top surface proximate to the perimeter sidewall interior surface. The Action alleges that Zocco discloses related subject matter at col. 3, line 64 - col. 4, line 2 (Action, page 3) and further alleges that this is an obvious modification. Applicants respectfully disagree.

The cited passage sets forth that the bottom of a first layer of filling material is glued to a bottom panel (Zocco, col. 3, lines 66-68). This does not teach or suggest disposing an adhesive strip or glue in a specific region of the panel or present it upon less than the entire panel, e.g., in a region proximate to the interior surface of the perimeter sidewall. Therefore, Zocco fails to teach or suggest this subject matter.

Furthermore, there is no obvious modification to Zocco that would arrive at the claimed features as Zocco explicitly discloses that an entire surface of the layer should be covered in glue (e.g., entirely exposed surface; col. 4, ll. 17-28; col. 6, ll. 12-15). As such, there is no teaching or disclosure within Zocco allowing for modification such that glue is only applied selectively to a portion about the periphery of Zocco's frame 1.

As such, Zocco fails to disclose or reasonably suggest, *inter alia*, "wherein the innercore is disposed on the strip of adhesive disposed on the portion of the top surface of the bottom panel, such that the bottom surface of the innercore and the top surface of the bottom panel are attached only along the strip of adhesive, and a remaining portion of the bottom surface of the innercore is unattached to the top surface of the bottom panel" as recited in claim 14, and claim 14 is patentable over Zocco.

Claims 15 and 20-27 are likewise patentable, at least by virtue of their dependency on claim 14 in addition to those features contained therein.

Claim 16 includes somewhat similar features to those of claim 14, and is therefore also patentable for at least somewhat similar reasons.

Claims 17-19 are also patentable, at least by virtue of their dependency on claim 16 in addition to those features contained therein.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103(a)

Claim 28 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Zocco in view of U.S. Pat. No. 6,263,533 to Dimitry et al, hereinafter ‘Dimitry’. Applicants respectfully traverse this rejection.

As shown above, Zocco does not disclose or suggest each and every feature of claim 14. Furthermore, Dimitry does not cure these deficiencies. Therefore, even if Zocco and Dimitry were combinable, which Applicants do not admit, any resulting combination would still fail to disclose or reasonably suggest these features. As such, claim 14 is patentable over both Zocco and Dimitry, taken alone or in combination.

Claim 28 is likewise patentable, at least by virtue of its dependency in addition to those features contained therein. For example, claim 28 recites “a wire for securing the innercore against the substantially rigid bottom panel.” In contrast, Zocco explicitly teaches away from any proposed modification necessitating the use of wire and hog rings as a securing mechanism due to alleged danger to mattress assembly personnel (see col. 1, ll. 24-34 and col. 3, ll. 1-5). As such, the references are not combinable, and a *prima facie* case of obviousness regarding claim 28 has not been established.

Reconsideration and withdrawal of this rejection are respectfully requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By



John R. Sweet

Registration No. 59770

Date: August 9, 2011
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103
Telephone: (860) 286-2929
Facsimile: (860) 286-0115
Customer No.: 23413